REMARKS

In Response to the Restriction Requirement

Applicant makes the above election with traverse. Applicant submits that the invention is a polynucleotide(s) encoding a novel bHLH-PAS polypeptide(s), and methods for the use of such polynucleotides and polypeptides.

The Office Action states that restriction is required between Groups I-IV because they do not relate to a single general inventive concept under PCT Rule 13.2 since Group I comprises a special technical feature that defines an advance over the prior art which is a polynucleotide sequence(s) encoding a bHLH-PAS polypeptide. Each of the other three groups is allegedly characterized by a special technical feature which defines an advance over that of Group I.

Applicant respectfully submits that the restriction requirement does not meet the requirements set out in PCT Rule 13.2, and accordingly requests that the Examiner review and withdraw the requirement. The special technical feature that provides for unity of invention is a polynucleotide sequence(s) encoding a bHLH-PAS polypeptide. Group II is directed to specific isolated bHLH-PAS polypeptides. A polypeptide sequence is directed by a polynucleotide sequence, and there is therefore unity of invention between Group I and Group II. Group III is directed to a method of using a bHLH-PAS polynucleotide to determine whether an individual is JH-resistant. Group III is directed to methods of using the special technical feature of Group I, and therefore there is unity of invention between Group I and Group III. Group IV is directed to methods of screening for compounds that bind to a bHLH-PAS polypeptide. Group IV is directed to methods of using the special technical feature of Group I, and therefore there is unity of invention between Group I and Group IV.

In Response to the Objection

Applicant's presentation of a substitute page 67 in its response to the Office Action mailed October 3, 2002 was not entered because it did not comply with the rules for amending an application under 37 CFR §1.121. Applicants respectfully submit herein an clean copy of the amended paragraph on page 67, line 21, through page 68, line 2, and a marked up version of the same paragraph showing the changes made.

In summary, Applicant makes the above election with traverse. Applicant submits that each of the restrictions is improper and respectfully requests that the Examiner review and withdraw each restriction requirement. The foregoing is submitted as a full and complete Response to the Office Action mailed February 28, 2003. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 19-5029. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

By: William L. Warren
Reg. No. 36,714

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
(404) 853-8000
SAB Docket: 16313-0016

VERSION WITH MARKINGS SHOWING THE CHANGES
(Underline shows additions and brackets show deletions)

In the Specification:

Please replace the following paragraph in the specification as follows:

Page 67, line 21 to page 68, line 2

Met-JHR also contains the "LXXLL" [(SEQ ID NO:14)] motif which likens *Met* to steroid receptor co-activators. Although this motif is found in many proteins, it plays a significant role in proteins that interact with co-activators of steroid receptors. LXXLL [(SEQ ID NO:14)] also has been found in a bHLH-PAS protein that is a cofactor (ACTR) [Chen *et al. Cell* 90:569 (1997)] that is amplified in breast cancer-1 (AIBC). Anzisk *et al. Science* 277:965 (1977). This bHLH-PAS protein (ACTR/AIBC) interacts with a steroid receptor, and is part of the multi [muti]-protein complex that potentiates the signal from the steroid receptor ligand.